

REMARKS

Claims 1-2, 8-13 and 15-25 are pending in the present application. Original claim 10 has been withdrawn from consideration. By this Amendment, previously presented claims 1, 8, 11-13 and 15-16 have been amended; previously presented claims 3-7 and 14 have been cancelled; and new claims 21-25 have been added. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and the following remarks.

I. Formal Matters:

Previously Presented Claims 11-20:

The September 07, 2011 non-final Office Action does not to consider Applicants' claims 11-20, which were previously submitted in Applicants' August 11, 2011 Amendment and Response. Applicants respectfully request consideration of pending claims 11-13 and 15-20 in the next office action (previously presented claim 14 has been cancelled).

Restriction Requirement:

Applicants note the election of Group I of the July 11, 2011 Restriction Requirement. Applicants further note that Group I, as described in the July 11, 2011 Restriction Requirement, comprises original claims 1-7 and 9, directed to compounds and insecticidal compositions of formula I wherein X is a N, Y is C=O, p and q are both 2, and Ra, R² and R³ are all H, and n is 0 (i.e., possible R⁴ substituents in Applicants' formula I of claim 1 do not include hydrogen).

Applicants note with appreciation that Examiner Desai has further grouped original claim 8 (formula III) in with claims 1-7 and 9. Examiner Desai has also agreed to rejoin withdrawn method claim 10 if the compound claim from which it depends is found to be allowable.

Information Disclosure Statements

Applicants note with appreciation that all references submitted in Applicants' July 20, 2006 Information Disclosure Statement (IDS), Applicants' August 02, 2006 IDS, and Applicants' January 31, 2011 IDS have been considered by Examiner Desai.

Rejection of Previously Presented Claims 1-9 Under 35 U.S.C. §112, First Paragraph, Enablement

Previously presented claims 1-9 were rejected under 35 U.S.C. §112, first paragraph, because the specification, while being enabling for some R⁸ and R³ substituents, allegedly does not reasonably provide enablement for the broad scope as claimed. This rejection is respectfully traversed.

First, Applicants note that although Applicants do not agree with the lack of enablement conclusion with regard to previously presented independent claim 1, Applicants have amended independent claim 1, as shown above, in order to expedite prosecution of the present claims and focus Applicants' claimed invention on specific compounds of formula I. In particular, the scope of the claimed compounds of formula I is now limited to compounds (or salts thereof) having the following structural features:

X is O or NR¹¹;

R¹¹ is hydrogen or C₁₋₆ alkyl;

Y is a single bond or C=O;

R¹ is hydrogen, C₁₋₆ alkyl, C₁₋₆ haloalkyl, heteroaryl(C₁₋₃)alkyl (wherein the heteroaryl group may be optionally substituted by halogen, cyano, C₁₋₆ alkyl, C₁₋₆ haloalkyl and where the heteroaryl group is a thiazole, pyridine, pyrimidine, pyrazine or pyridazine ring), heteroaryl (optionally substituted by halogen, cyano, C₁₋₆ alkyl, C₁₋₆ haloalkyl and where the heteroaryl group is a pyridine, pyrimidine, 2,1,3-benzoxadiazole, pyrazine or pyridazine ring), C₁₋₆ alkoxy, C₁₋₆ alkylamino or heteroaryl(C₁₋₃)alkylamino (wherein the heteroaryl group may be optionally substituted by halogen, cyano, C₁₋₆ alkyl, C₁₋₆ haloalkyl and where the heteroaryl group is a thiazole, pyridine, pyrimidine, pyrazine or pyridazine ring);

R² and R³ are both hydrogen;

each R⁴ is independently fluoro, chloro, bromo, cyano, C₁₋₄ alkyl, C₁₋₄ haloalkyl, C₁₋₄ cyanoalkyl or C₁₋₃ alkoxy(C₁₋₃)alkyl;

n is 0, 1 or 2;

each R_a is hydrogen;

p and q are both 2;

R⁸ is phenyl(C₁₋₄)alkyl (wherein the phenyl group is optionally substituted by halogen,

C₁₋₄ alkyl, C₁₋₄ alkoxy, C₁₋₄ haloalkyl, C₁₋₄ haloalkoxy, CN, NO₂, aryl, heteroaryl, amino or dialkylamino), heteroaryl(C₁₋₆)alkyl (wherein the heteroaryl group is optionally substituted halogen, C₁₋₄ alkyl, C₁₋₄ alkoxy, C₁₋₄ haloalkyl, C₁₋₄ haloalkoxy, CN, NO₂, aryl, heteroaryl, amino or dialkylamino), phenyl(C₂₋₆)alkenyl (wherein the phenyl group is optionally substituted by halogen, C₁₋₄ alkyl, C₁₋₄ alkoxy, C₁₋₄ haloalkyl, C₁₋₄ haloalkoxy, CN, NO₂, aryl, heteroaryl, amino or dialkylamino), heteroaryl(C₂₋₆)alkenyl (wherein the heteroaryl group is optionally substituted by halogen, C₁₋₄ alkyl, C₁₋₄ alkoxy, C₁₋₄ haloalkyl, C₁₋₄ haloalkoxy, CN, NO₂, aryl, heteroaryl, amino or dialkylamino) or $-C(R^{51})(R^{52})-[CR^{53}=CR^{54}]_z-R^{55}$;

z is 1 or 2;

R⁵¹ and R⁵² are each independently H, halogen or C₁₋₂ alkyl;

R⁵³ and R⁵⁴ are each independently H, halogen, C₁₋₄ alkyl or C₁₋₄ haloalkyl; and

R⁵⁵ is optionally substituted aryl or optionally substituted heteroaryl.

In addition, with regard to presently presented independent claim 1, Applicants respectfully submit that one of ordinary skill in the art, given Applicants' original specification, alone or in combination with a basic understanding of compound synthesis and testing procedures, would have understood how to (1) synthesize a given compound of formula I as recited in independent claim 1, and subsequently (2) utilize the compound of formula I (or a composition containing the same) in a method of combating and controlling insects, acarines, nematodes or mollusks as recited in claim 10.

Applicants respectfully submit that Applicants' original specification provides clear, specific guidance to one skilled in the art for preparing exemplary compounds of formula I as recited in independent claim 1, and practicing Applicants' method of combating and controlling insects, acarines, nematodes or mollusks. In particular, Applicants' original specification provides specific guidance to one skilled in the art so as to synthesize a given compound of formula I as recited in independent claim 1, and subsequently utilize the compound of formula I, or a composition containing the same, in a method of combating and controlling insects, acarines, nematodes or mollusks as recited in claim 10, wherein the specific guidance includes, but is not limited to, the following portions of Applicants' original specification: (1) synthesizing steps and exemplary reaction schemes for preparing compounds of formula I from page 78, line 3 to page 81, line 6, and Examples 1-6 on pages 93-100; (2) actual compounds

made in accordance with the present invention as shown in Tables 2-5 on pages 73-78 of Applicants' original specification, and Examples 1-6 on pages 93-100; (3) preparation steps for forming compositions containing at least one compound of formula I on page 84, line 1 to page 88, line 16, and page 89, line 7 to page 92, line 28; (3) methods of using the compounds of formula I (or a composition containing the same) from page 82, line 1 to page 84, line 10, and page 88, line 17 to page 89, line 6; and (4) methods of using actual compounds of formula I (or compositions containing the same) to illustrate the pesticidal/insecticidal properties of the compounds of formula I (or compositions containing the same) in Example 7 on pages 100-101.

Given the clear guidance and the numerous examples provided in Applicants' original specification, Applicants respectfully submit that Applicants' original specification enables one of ordinary skilled in the art to make and utilize the compounds as recited in present claims 1-2 and 8-9 (as well as pending claims 10-13 and 15-25). Applicants further submit that the process of synthesizing a given compound of formula I, and subsequently utilizing the compound in a method to combat and control insects, acarines, nematodes or mollusks would involve limited, focused experimentation, not undue experimentation as suggested in the September 07, 2011 non-final Office Action.

For at least the reasons given above, Applicants respectfully submit that claims 1-2 and 8-9 (as well as pending claims 10-13 and 15-25) meet the enablement requirements of 35 U.S.C. §112, first paragraph (previously presented claims 3-7 have been cancelled). Accordingly, withdrawal of this rejection is respectfully requested.

II. New Claims 21-25:

New claims 21-25 are directed to specific embodiments of Applicants' claimed invention.

Support for claims 21-25 may be found in at least the following locations of Applicants' original specification: page 11, lines 23-24 (claims 21-22); page 13, lines 27-30 (claim 23); and page 15, lines 9-19 (claims 24-25).

III. Conclusion:

Applicants submit that claims 1-2, 8-13 and 15-25 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

Amendment And Response
Serial No. 10/581,177
Page -13-

Should Examiner Desai believe that further action is necessary to place the application in better condition for allowance, Examiner Desai is respectfully requested to contact Applicants' representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 503025.

Respectfully submitted,
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